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09/727,727

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E. Michael Lunsford

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03/12/2004

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EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/727,727

Applicant(s)

LUNSFORD ET AL.

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US Patent No 6600902 B1) in view of Sutphin (US Patent No 5109403).

Regarding claim 19, Bell discloses an automated telephone dialing system (figs. 1-2), comprising: a telephone (3 of fig 2) having a wireless port for short range wireless data transfer (col. 3, lines 29- 51; col. 4, lines 24-57); and a personal information device (20, 21, 22 of fig. 2) (col. 3, line 47- col. 4, line 9; col. 4, lines 48-67), the personal information device configured to control the telephone via a wireless communication such that the telephone dials a telephone number stored on the personal information device (col. 5, lines 5-35; col. 6, lines 1-38).

However, Bell et al does not specifically disclose the feature of a personal information device configured to control the telephone via a wireless communication such that the telephone dials a telephone number stored on the personal information device.

On the other hand, Sutphin, from the same field of endeavor, discloses a system for programming software feature switches in a mobile telephone, wherein a host computer initiates a first call to the mobile telephone, causing a cell site facility to broadcast an initiate signal via a digital paging channel. An alert signal is generated in the mobile telephone in response to the initiate signal, and an answer signal is generated in the mobile telephone if the subscriber answers the first call. The first processor causes first acknowledge signal to be broadcasted via the paging channel in response to the answer signal. The processor of the mobile telephone then establishes a programming mode and sends a second acknowledge signal to the host computer (col. 2, lines 17-57). Furthermore, Sutphin shows in figure 3, a microcomputer 39 that reads the present feature status of the software feature switches stored in memory 55 and transmits that data back to cell site facility 10 (col. 3, lines 18-64; col. 5, lines 22- col. 6, line 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Sutphin to the communication system of Bell in order to provide a cellular telephone in which a security code is programmed.

Regarding claim 20, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the dialing of the telephone number by the telephone is automatically effected in response to a user interacting with information stored on the personal information device (col. 3, lines 25-60; col. 4, line 45- col. 5, line 26).

Regarding claim 21, Bell discloses an automated telephone dialing system (figs. 1-2) wherein the information stored in the personal information device includes contact information (col. 3, lines 52-67; col. 5, lines 1-40; col. 6, lines 1-26).

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Regarding claim 22, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the information stored on the personal information device is presented as a list of contacts and the telephone number dialed by the telephone corresponds to one of the contacts selected by the user (col. 3, lines 1-60; col. 6, lines 1-40).

Regarding claim 23, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the information stored on the personal information device is maintained by a management program executing on the personal information device and the management program controls the telephone via the wireless communication (col. 3, lines 38-60; col. 5, lines 10-57).

Regarding claim 24, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the management program is an address book program (col. 3, lines 52-67; col. 5, lines 1-40; col. 6, lines 1-26).

Regarding claim 25, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the wireless communication is compatible with a version of the Bluetooth specification (col. 4, lines 24-52; col. 6, lines 21-40).

Regarding claim 26, Bell discloses an automated telephone dialing system (figs. 1-2), wherein the wireless communication is compatible with a version of the IrDA specification (col. 4, lines 48-62; col. 6, lines 44-65).

Regarding claim 27, Bell discloses an automatic wireless telephone dialing method (figs. 1-3), comprising the steps of establishing (3 of figs. 1-2) a wireless communications link for a short range data transfer (20, 21, 22 of fig. 2; col. 3, line 47- col. 4, line 9; col. 4, lines 48-67);

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accessing (3 of fig. 2) a telephone number stored on the device (col. 3, lines 29- 51; col. 4, lines 24-57; col. 5, lines 5-35; col. 6, lines 1-38).

However, Bell et al does not specifically disclose the steps of accessing a telephone number stored on the personal information device; controlling the telephone using the personal information device to cause the telephone to dial the telephone number stored on the personal information device.

On the other hand, Sutphin, from the same field of endeavor, discloses a system for programming software feature switches in a mobile telephone, wherein a host computer initiates a first call to the mobile telephone, causing a cell site facility to broadcast an initiate signal via a digital paging channel. An alert signal is generated in the mobile telephone in response to the initiate signal, and an answer signal is generated in the mobile telephone if the subscriber answers the first call. The first processor causes first acknowledge signal to be broadcasted via the paging channel in response to the answer signal. The processor of the mobile telephone then establishes a programming mode and sends a second acknowledge signal to the host computer (col. 2, lines 17-57). Furthermore, Sutphin shows in figure 3, a microcomputer 39 that reads the present feature status of the software feature switches stored in memory 55 and transmits that data back to cell site facility 10 (col. 3, lines 18-64; col. 5, lines 22- col. 6, line 58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Sutphin to the communication system of Bell in order to provide a cellular telephone in which a security code is programmed.

Regarding claim 28, Bell discloses an automatic wireless telephone dialing method (figs. 1-3), which includes the step of dialing the telephone number automatically in response to a user

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interacting with information stored on the personal information device (col. 3, lines 25-60; col. 4, line 45- col. 5, line 26).

Regarding claim 29, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the information stored in the personal information device includes contact information (col. 3, lines 52-67; col. 5, lines 1-40; col. 6, lines 1-26).

Regarding claim 30, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the information stored on the personal information device is presented as a list of contacts and the telephone number dialed by the telephone corresponds to one of the contacts selected by the user (col. 3, lines 1-60; col. 6, lines 1-40).

Regarding claim 31, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the information stored on the personal information device is maintained by a management program executing on the personal information device and the management program controls the telephone via the wireless communication (col. 3, lines 38-60; col. 5, lines 10-57).

Regarding claim 32, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the management program is an address book program (col. 3, lines 52-67; col. 5, lines 1-40; col. 6, lines 1-26).

Regarding claim 33, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the wireless communication is compatible with a version of the Bluetooth specification (col. 4, lines 24-52; col. 6, lines 21-40).

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Regarding claim 34, Bell discloses an automatic wireless telephone dialing method (figs. 1-3) wherein the wireless communication is compatible with a version of the IrDA specification. (col. 4, lines 48-62; col. 6, lines 44-65).

#### Response to Arguments

2. Applicant's arguments with respect to claims 19-34 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MARCEAU MILORD

Marceau Milord

Examiner



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